

**UNITED STATES COURT OF APPEALS**

**August 2, 2006**

**TENTH CIRCUIT**

**Elisabeth A. Shumaker**  
**Clerk of Court**

HARTFORD INSURANCE  
COMPANY OF THE MIDWEST;  
INTERSTATE INDEMNITY  
INSURANCE COMPANY,

Plaintiffs-Counter-  
Defendants - Appellees,

v.

CHARLES D. CLINE; JUDITH E.  
DAVIS,

Defendants-Counter-  
Claimants - Appellants.

No. 05-2075  
D. New Mexico  
(D.C. No. CIV-04-742-LCS/KBM)

**ORDER AND JUDGMENT\***

Before **SEYMOUR, HARTZ**, and **McCONNELL**, Circuit Judges.

On October 12, 2005, this court certified the following question of law to  
the New Mexico Supreme Court:

Is excluding domestic partners from the definition of *family member* in an automobile-insurance policy invalid as contrary to the public policy of the state of New Mexico?

---

\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

*See Hartford Ins. Co. v. Cline*, 427 F.3d 715, 716 (10th Cir. 2005).

On June 20, 2006, the New Mexico Supreme Court filed an opinion answering the question in the negative. *See Hartford Ins. Co. v. Cline*, No. 29,506, slip op. (N.M. June 20, 2006). That decision rejects the only argument raised by the defendants in this appeal. Ms. Davis is not a *family member* of Mr. Cline and therefore is not entitled to Uninsured Motorist/Underinsured Motorist Coverage under the insurance policies at issue. Exercising our jurisdiction under 28 U.S.C. § 1291, we AFFIRM the judgment of the district court.

ENTERED FOR THE COURT

Harris L Hartz  
Circuit Judge